(1) SINGLE BENCH

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ petition. No. 5433 /2005.

PETITIONER

ITWAR SINGH SAHU,
S/o Bishamber Sahu, Aged about 57 years, R/o village Achhoti, P.S. Pulgaon, Tahsil Pulgaon, Dist. Durg, Chhattisgarh.

P.R. No. 5441/05
Presented by Shri O.P. Sahu
dated 20/10/05

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH, Through Secretary, Office situated at Secretariate Raipur, Chhattisgarh.

2. Collector, Durg, Office situ -ated at Durg, Dist. Durg, Chhattisgarh.

3. Station House Officer, P.S.Pulgaon, Tahsil and Dist. Durg, Chhattisgarh.

4. Gram Panchayat, Achhoti, through Sarpanch of Gram Panchayat, Achhoti, Office situated at village Achhoti, Tahsil and Dist. Durg, Chhattisgarh.

शपथ आयुक्त
एस.के. दुबेला
बिलासपुर (छ.ग.)
बिलासपुर तहसील क्षेत्र

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Contd.2/.....

(2)

(4)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS/PROHIBITION/CERTIORARI/DIRECTION/DIRECTIONS,ORDER/ORDERS.

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....wpno.5433/05.... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-11-2005 Shri N.S. Dhurandhar, counsel for the petitioner. Shri Sandeep Dubey, Govt. Advocate for the State/respondents No.1 to 3. Heard both the counsel. The case of the petitioner is that the petitioner has constructed a Pukka house (cattle house) on his land bearing Khasra Nos.397 and 395/1 in the village Achholi and adjacent to the petitioner's house the petitioner's relative namely Rohit Kumar Sahu's house is also there. In front of the house of the petitioner, there is road (Gali) which is being used as passage by the family members of the petitioner, for the purpose of cattle and for going to the threshing field. In front of the house, respondent No.4 has constructed a drain (Nali) up to the boring (tubewell) on 26-10-2003 on the day of Dipawali. While digging the drain mud and other material were thrown in front of the house of the petitioner. When the same was not removed, the petitioner filed a civil suit in the Court of 5th Civil Judge, Class-2, Durg on 8-12-2004 and temporary/mandatory injunction was also granted in favour of the petitioner directing respondent No.4 to remove the mud and other material which were put in front of the house of the petitioner. It was also directed that in future also mud and other filthy material taken out from that drain should not be put in front of the house of the petitioner. It was further directed that respondent No.4 should not put any obstruction and hindrance in the passage of the petitioner, but this order is not being complied with. The petitioner filed a contempt petition which is pending since last one year, but no order is being passed by the 5th Civil Judge, Class-2, Durg.	

SP/FS/2005 - 20,000

(35)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submitted that learned 5th Civil Judge, Class-2, Durg be directed to decide the contempt petition which is not being decided by the civil judge.

Prayer made by learned counsel for the petitioner is just, fair and reasonable and the same can be allowed without issuing notice to the respondents as the only prayer made by learned counsel is that the 5th Civil Judge, Class-2, Durg be directed to decide the contempt petition.

For the foregoing reasons, this writ petition deserves to be allowed and the same is allowed. Learned 5th Civil Judge, Class-2, Durg is directed to decide the contempt petition as early as possible but not later than 6 weeks and to ensure the compliance of the order passed by that Court.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

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